

Sec. 10. Section 2 of LCB file No. R096-03 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Department of Personnel and the Department of Human Resources, allows for an exception to be made by the Personnel Commission to the method of calculating years of service for determining seniority for the purposes of layoff. If granted, the department will be required to use the method of calculating seniority described in subsection 5 until such time as the department is granted permission to revert to the method described in paragraph (a) of subsection 1.

Section 2 of LCB File No. R096-03 Determining seniority for the purposes of layoff.

1. For purposes of calculating an employee's seniority for NAC 284.614, 284.618 and 284.630:
 - (a) ~~{The}~~ *Except as otherwise provided in this section, the* total number of years of continuous full-time equivalent service up to the effective date of the layoff must be included.
 - (b) Except as otherwise provided in subsection 2, the sum of the calculation made pursuant to paragraph (a) *or, if applicable, subsection 5* must be reduced by the following periods if those periods occurred during the ~~{3-years}~~ *36 months* immediately preceding the ~~{effective}~~ date of the *notification of* layoff:
 - (1) For a nonexempt employee, any combination of leave without pay and catastrophic leave in excess of 240 hours in a year;
 - (2) For an exempt classified employee or exempt unclassified employee, any combination of leave without pay and catastrophic leave in excess of 30 working days in a year; and
 - (3) Any time covered by a report on performance which rated the employee below standard except that no report on performance may be considered for the time covered within 75 calendar days before the notification of layoff was issued.
2. The reduction in the calculation of seniority required by paragraph (b) of subsection 1:
 - (a) May not include a:
 - (1) Leave of absence without pay during a fiscal emergency of the State pursuant to NAC 284.580;
 - (2) Leave of absence without pay for a work-related injury or illness pursuant to NRS 281.390; and
 - (3) Military leave of absence pursuant to NRS 284.359.
 - (b) For the purposes of the reduction in the calculation of seniority required by subparagraphs (1) and (2) of paragraph (b) of subsection 1, an employee whose base hours are more than 80 hours biweekly must be allotted additional leave without pay and catastrophic leave in proportion to the base hours for his pay class designation.
3. Except as otherwise provided in subsection 4, if seniority is otherwise equal, seniority must be determined in the following order:
 - (a) Total time within the occupational group;
 - (b) Total time within the department; and

- (c) By lot.
- 4. For the purposes of reemployment, if seniority is otherwise equal, seniority must be determined by lot.
- 5. *A department may request from the Commission approval to calculate the number of years of continuous full-time equivalent service of an employee of the department by doubling the time spent by the employee in his present occupational group as categorized by NRS 284.171 and adding that amount to the time spent by the employee in all former occupational groups up to the date of layoff. If the Commission approves the request of the department to calculate the number of years of service pursuant to this section, the department shall use this method to calculate the number of years of service:*
 - (a) *Only to determine which employees will receive a layoff notice and not for the placement of those employees on the reemployment list; and*
 - (b) *Until the department seeks from and is granted approval by the Commission to revert to the method of calculating the number of years of service set forth in paragraph (a) of subsection 1.*
- 6. *As used in subparagraphs (1) and (2) of paragraph (b) of subsection 1, "year" means a period equal to 12 months of full-time equivalent service measured backward from the date of the notification of layoff.*

Sec. 11. NAC 284.502 is hereby repealed:

Explanation of Proposed Change: This section is being repealed and managerial training requirements have been incorporated into NAC 284.498.

NAC 284.502 Training of managerial employees.

- 1. When an agency initially appoints an employee to a managerial position, that employee shall take at least 5 days of training in subjects related to managerial functions within 1 year after being appointed. The department encourages all training which will prepare the employee for that position. The appointing authority, in its discretion, may accept, in lieu of the training required by this subsection, training taken by the employee during the 2 years preceding his appointment.
- 2. This requirement may be met by successfully completing managerial training in a manner similar to that prescribed for supervisory training.
- 3. In addition to the training required by this section, the employee, if he has not already done so, shall take training concerning:
 - (a) The preparation of a report on performance. If the employee is required to complete this training, the appointing authority shall, upon completion of the training, send proof of completion to the personnel records section of the department of personnel.
 - (b) A drug-free workplace, which is offered or approved by the department of personnel.
 - (c) Equal employment opportunity. The employee shall take at least 6 hours of training in this subject.